

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

NEW PRIORITY DATE:

Date of filing in State Engineer's Office ~~JUL 08 2002~~ AUG 26 2004

Returned to applicant for correction AUG 20 2002

Corrected application filed _____

Map filed OCT 08 2002 under 68940

The applicant **United States of America Forest Service, Dept. of Agriculture** hereby make application for permission to change the **Manner and Place of Use** of water heretofore appropriated under **Permit 12086, Certificate 4333**

1. The source of water is **Marlette Creek and Tributaries**
2. The amount of water to be changed **0.25 CFS**
3. The water to be used for **Instream Flow**
4. The water heretofore permitted for **Power and Domestic**
5. The water is to be diverted at the following point **NE ¼ SE ¼ Section 11, T.15N., R.18E., M.D.B.&M., or at a point from which the S ¼ corner of said Section 11, bears S. 49° 48' W., 2102.55 feet. Situated in Washoe County, State of Nevada**
6. The existing permitted point of diversion is located within **The NE ¼ SE ¼ Section 11, T.15N., R.18E., M.D.B.&M., or at a point from which the S ¼ corner of said Section 11, bears S. 49° 48' W., 2102.55 feet. Situated in Washoe County, State of Nevada.**
7. Proposed place of use **Portions of NE ¼ SE ¼, SE¼ SE ¼, SW ¼ SE ¼, SE ¼ SW ¼, and all in Section 11, T.15N., R.18E., M.D.M. Lot 2, NE ¼ NW ¼, NW ¼ NE ¼, and SE ¼ NW ¼ all in Section 14, T.15N., R.18E., M.D.M.**
8. Existing place of use is in **lot 4, Section 11, T.15N., R.18E., M.D.B.&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Water is no longer to be diverted. Water will remain in Creek as in-steam flow.**
12. Estimated cost of works **0**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use
15. Remarks:

By **Susan Norman**
Ecosystem Conservation Dept Staff Officer
s/Susan Norman
870 Emerald Bay Rd, Ste. 1
South Lake Tahoe, CA 96150

Compared sg/cmf lb/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of Marlette Creek and Tributaries heretofore granted under Permit 12086, Certificate 4333, is issued subject to the terms and conditions imposed in said Permit 12086, Certificate 4333, and with the understanding that no other rights at the source shall be affected by the change proposed herein. A measuring device must be installed near the point of diversion and accurate measurements must be kept of water placed to a beneficial use. This permit is subject to the final allocation of the State of Nevada under the California Nevada Interstate Compact Commission. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The water granted under this permit is only for that water flowing in the creek below Marlette Lake and does not grant the release of any water stored in Marlette Lake.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 23, 2004

Proof of completion of work shall be filed on or before:

May 23, 2004

Water must be placed to beneficial use on or before:

April 23, 2005

Proof of the application of water to beneficial use shall be filed on or before:

May 23, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 23rd day of April, A.D. 2003

Hugh Ricci, P.E.
State Engineer

Completion of work filed SEP 23 2004

~~CANCELLED AUG 16 2004 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~

Proof of beneficial use filed _____

~~*Hugh Ricci, P.E.*
STATE ENGINEER~~
Can. Rescinded 9-23-04

Cultural map filed N/A

Certificate No. _____ Issued _____